

## REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

### Amendments

All of the previous claims have been cancelled in favor of new independent claim 24 and claims 25-36 dependent thereon. Claim 24 is analogous to claim 19 and further recites, in the preamble and the body, the retaining device as the mold. No new matter is added.

### Rejection under 35 U.S.C. § 112[2]

The rejection of claim 20 hereunder is not understood because reference is made to both an alleged lack of antecedent basis and as being indefinite. Further, the rejection provides no reasoning why relative terms such as “low” or “medium” tack are not understandable by one of ordinary skill in the art in this industry. *Ortho-McNeil Pharmaceutical, Inc. v. Caraco Pharmaceutical Laboratories, Ltd.*, 476 F.3d 1321 (Fed. Cir. 2007) (“about” and other relative terms are sufficiently definite if understandable by one of ordinary skill in the art). For other reasons, claim 20 has been cancelled in favor of the present new claims, so the rejection of claim 20 is now moot.

The rejection of claim 21 hereunder is not understood. The claim clearly recites that an image, a non-elastic deformable material (such as wire), a sound producing component, or a combination thereof can be placed in the mold. The applicant has defined these as a Markush group, and the rejection fails to explain why claim 21 is indefinite. For other reasons, claim 21 has been cancelled in favor of the present new claims, so the rejection of claim 21 is now moot.

### Rejections under 35 U.S.C. §103

Prior to addressing the substance of these rejections, applicant would reiterate that the invention as claimed recites molding into a mold that becomes point of sale packaging; particularly, “providing a mold for said retaining device, said mold suitable as part of point of sale packaging” and “covering the open face of said mold to form point of sale packaging for the retaining device molded therein.”

The rejection of claims 19 and 20 (per new claim 24) as obvious over Jonas in view of Hornsby is respectfully traversed.

The rejection fails to address the previous amendment wherein the mat was defined as having an adhesive surface, which characteristics are also recited in the new claims now presented. Thus, the rejection improperly characterizes the difference between Jonas and the claims as solely not making a point of sale device. Jonas makes *no* mention of tack except in the context of a glaze coat (col. 14, ln. 56) applied to the mold *before* curing. One would not want the ultimate product in Jonas after curing to be a tacky roof tile, stepping stone, or the like (paragraph bridging cols. 17 and 18) because tackiness would cause the person walking thereon to trip, or debris to adhere to the roof. The rejection is misplaced in citing Jonas as providing all of the limitations other than point of sale packaging.

Hornsby discloses thermoforming a package to *accommodate* a shaped article later placed into the packaging. This is clearly not the claimed invention wherein the package is the mold. Hornsby does not use the thermoformed (or shaped) packaging as a mold, but only as packaging. As explicitly recited in the claim, the open face of the “mold” face is covered to form point of sale packaging. None of the cited references disclose using a mold as packaging.

Regarding previous claim 21 (*e.g.*, new claims 32-36), even if Blum discloses incorporating a sensor into the mat, there is no disclosure of a process wherein the mat is molded in at least part of the point of sale packaging.

Applicant would also note that none of the references describe or suggest molding into point of sale packaging with the addition of an air freshener, fragrance, holding device, or other aspects of various dependent claims now presented.

Accordingly, withdrawal of all of the rejections is now believed to be warranted, and such action is earnestly solicited.

An IDS is submitted herewith.